

ASSEMBLY BILL

No. 1229

**Introduced by Assembly Member Nation
(Principal coauthor: Assembly Member Pavley)**

February 22, 2005

An act to amend Section 43200 of, and to add Section 43200.1 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1229, as introduced, Nation. Air pollution: new motor vehicles: air pollution label.

Existing law permits the State Air Resources Board to adopt a regulation to prohibit the sale and registration of any new motor vehicle certified by the state board to which there has not been affixed on a side window to the rear of the driver or, if it cannot be so placed, to the windshield, a decal disclosing specified emissions information, including, for 1976 and subsequent model year motor vehicles, the exhaust emissions, as provided. Existing law requires the state board to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles. Existing law also prohibits the sale and registration of a new motor vehicle unless a decal that discloses a smog index for the vehicle is affixed, as specified.

This bill would expand the requirement to place the exhaust emissions information for 1976 and subsequent model year motor vehicles on the emissions index decal to affix to the emissions as provided, of any new motor vehicle. The bill would require the decal to be affixed to the driver's side window or, if it cannot be so placed, to the windshield. The bill would require a specified, emissions index and a global warming index to be included on the emissions

information decal that are state board is authorized, by regulation to require. This bill would require state decal to be renamed the air pollution label, and would subject to those provision, at a minimum, all passenger cars and light-duty trucks with a gross vehicle weight of 8,500 pounds or less, and all vehicles that are subject to those regulations adopted by the state board pertaining to greenhouse gases.

This bill would also require the state board to seek specified input in designing the air pollution label; to update the indices included in the air pollution label as necessary; to recommend to the Legislature additional sources of air pollution that emit significant amounts of greenhouse gases for which the disclosure of information regarding those emissions would be an effective means of educating the public about the sources of global warming and its impacts; and to incorporate information from the air pollution label into existing programs designed to educate motor vehicle consumers about emissions of greenhouse gases and other air contaminants.

This bill would make legislative findings and declarations relating to greenhouse gases and motor vehicle emissions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The use of fossil fuels in motor vehicles is one of the
- 4 primary human sources of greenhouse gases that trap heat in the
- 5 Earth's atmosphere, leading to a warming effect on the planet.
- 6 (b) Increasing concentrations of greenhouse gases in the
- 7 atmosphere are likely to accelerate the rate of climate change in
- 8 California.
- 9 (c) Scientific research indicates that the impact of global
- 10 warming on our environment will be profound. Global warming
- 11 will significantly impact the state's air quality, water resources,
- 12 forests, agricultural regions, coastal regions, and the health of the
- 13 state's residents.
- 14 (d) It is the intent of the Legislature to inform residents of the
- 15 state of the human activities that significantly contribute to global
- 16 warming by requiring disclosure of emissions associated with
- 17 those activities.

SEC. 2. Section 43200 of the Health and Safety Code is amended to read:

43200. (a) The state board may adopt a regulation to prohibit the sale and registration in this state of any new motor vehicle certified by the state board to which there has not been securely affixed on ~~a side window to the rear of the driver~~ *the driver's side window* or, if it cannot be so placed, to the windshield of the motor vehicle in accordance with paragraph (3) of subdivision (b) of Section 26708 of the Vehicle Code, by the manufacturer a decal on which the manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing the following information concerning ~~such~~ *the* motor vehicle:

~~(a) —~~

(1) The emission standards adopted by the state board pursuant to Section 43101 ~~which~~ *that* are applicable to that motor vehicle.

~~(b) —~~

~~(2) For 1976 and subsequent model year motor vehicles, the exhaust~~ *The emissions, based on quality audit tests of assembly line motor vehicles or, if required by the state board, as determined by the factory assembly line test for that motor vehicle, and, at the beginning of each model year, based on certification fleet data.*

(3) The air pollution label required by Section 43200.1.

~~Any such~~

(b) A regulation may be adopted *pursuant to this section* only if the state board finds that the regulation is ~~(+) necessary to~~ *for either of the following:*

(1) *To enforce or assure ensure compliance with applicable statutes, standards, or procedures relating to vehicle emissions or* ~~(2) necessary for.~~

(2) *For the protection and information of consumers.*

~~Nothing~~

(c) *Nothing* in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after the purchaser has taken possession of the vehicle.

SEC. 3. Section 43200.1 is added to the Health and Safety Code, to read:

1 43200.1. (a)The Legislature finds and declares all of the
2 following:

3 (1) Since 1998, the state board has imposed smog index label
4 specifications on new passenger cars and light-duty trucks that
5 are sold and registered in the state to inform consumers about
6 emissions of air contaminants from the use of new vehicles.

7 (2) On September 5, 2003, the state board adopted California
8 smog index label specifications for 2004 and subsequent model
9 passenger cars and light duty trucks. The specifications adopted
10 in that rulemaking include a smog index for each vehicle and a
11 fleet average smog index for each average new vehicle for that
12 model year.

13 (b) (1) (A) The state board, not later than January 1, 2007,
14 shall revise the regulations adopted pursuant to Section 43200 to
15 rename the decal required by those regulations as the air
16 pollution label, and to require the air pollution label to include,
17 for model year 2009 and subsequent model year motor vehicles,
18 information on the emissions of greenhouse gases from motor
19 vehicles for the same model year.

20 (B) This subdivision applies to, at a minimum, all passenger
21 cars and light-duty trucks with a gross vehicle weight of 8,500
22 pounds or less, and to all motor vehicles subject to regulation
23 pursuant to Section 43018.5.

24 (C) Emissions of global warming gases shall include
25 emissions from vehicle operation and upstream emissions.

26 (2) The air pollution label shall include all of the following:

27 (A) A emissions index that contains quantitative information
28 presented in a continuous, easy-to-read scale and that compares
29 the emissions from the vehicle with the average projected
30 emissions from all vehicles of the same model year sold in the
31 state for which an air pollution label is required. For reference
32 purposes, the index shall also identify the emissions from the
33 vehicle model of that same model year that has the lowest
34 emissions.

35 (B) A global warming index that contains quantitative
36 information presented in a continuous, easy-to-read scale and that
37 compares the emissions of greenhouse gases from the vehicle
38 with the average projected emissions of greenhouse gases from
39 all vehicles of the same model year sold in the state for which an
40 air pollution label is required. For reference purposes, the index

1 shall also identify the emissions of greenhouse gases from the
2 vehicle model of that same model year that has the lowest
3 emissions of greenhouse gases.

4 (C) A brief explanation, prepared by the state board, of the
5 indices required by this section, including the identification of
6 motor vehicle usage as a primary cause of global warming, and
7 how emissions of those gases from motor vehicles may be
8 reduced.

9 (D) The use of at least one color ink, as determined by the
10 state board, in addition to black.

11 (c) In order to ensure that the air pollution label is useful and
12 informative to consumers, the state board shall, to the extent
13 feasible within its existing resources, seek input from automotive
14 consumers, graphic design professionals, and persons with
15 expertise in environmental labeling, in designing the air pollution
16 label.

17 (d) The indices included in the air pollution label pursuant to
18 paragraph (2) of subdivision (b) shall be updated as determined
19 necessary by the state board to ensure that the differences in
20 emissions among vehicles are readily apparent to the consumer.

21 (e) The state board, in consultation with other agencies as
22 appropriate, shall recommend to the Legislature additional
23 sources of air pollution that emit significant amounts of
24 greenhouse gases for which the disclosure of information
25 regarding those emission would be an effective means of
26 educating the public about the sources of global warming and its
27 impacts.

28 (f) The state board shall, as it determines appropriate and to
29 the extent feasible within its existing resources, incorporate
30 information from the air pollution label into existing programs
31 designed to educate motor vehicle consumers about emissions of
32 greenhouse gases and other air contaminants.

33 (g) For the purposes of this section, the following definitions
34 apply:

35 (1) "Greenhouse gases" has the meaning given in subdivision
36 (h) of Section 42801.1.

37 (2) "Upstream emissions" means emissions of greenhouse
38 gases that occur during the extraction, refining, transport, and
39 local distribution of motor vehicle fuels as determined by the
40 state board.

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